F. 26 of 93

. R. S. IX-5]

Previous references.

1891-92

192

(L. R.)

File No. 1179

Serial Nos. 1–7

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–7

Major ~~Part~~ B for August 1893

SUBJECT.

Appeal of Krishnappa of Closepet
Regarding the Shanbhogship of Sarjapur

Commissioner
S. Division

WD 2233—GPB—20,000—14-6-20

Docket no 533 of the 9th January 1892, from the Deputy Commissioner of Bangalore, submitting proceedings connected with the dispute of the Shanbogue office of Veeragasandra and other villages in the Kanakanahally Talak.

The facts of the case are as follows:—

1. By a petition dated the 5th August 1884 to the address of the Deputy-Commissioner of Bangalore, one Veeramah daughter of Sahagiriah otherwise called Sahappah, Shanbogue of the villages of Chickamadanadi, Pichinalkere and Veerasandra, solicited through her guardian Yenkatachamma

Ejalaëchannah (her mother's own sister) that the said village ~~might be registered~~ that had been registered in her deceased father's name, might be registered in her name, and that, as Naracaippah (her uncle's son) the working Shanbogue of that village did not maintain her, she might be allowed to appoint her own Gumasta.

The petition was referred to the Amildar for a detailed report in the matter.

No 170 dated 5th August 1884.

2. The Amildar reported that the Shanbogue office of the two villages which had been registered in the name of the Petitioner's uncle Ponnalaiveemiah, were subsequent to his death

No 278 dated 28/8/84.

regis and

and in the year 1883, registered ~~the~~ in the name of ~~the~~ ~~village~~ Venkatachallah ~~village~~ ~~attorney~~ & his brother & Venkata Narasiah ~~attorney~~ called Narasaraja, has been doing work as Gumasta, and that the remaining one village Singasandra which had been registered in the name of Krishnammah was also on the right of a reversioner, transferred to his (Venkatachallah's) name after the death of the said Krishnammah. The petitioner Venkammah's father was a co-sharer and not a full sharer in the village of Singasandra, and to enjoy the ~~said~~ co-sharership the petitioner Venkammah was ~~barred~~ not entitled, she having no children. ~~illegal to inherit~~. With the above premises the Amildar submitted that the register of

of the Tranquebar office
of the Villages had been
rightly made in the name
of the legal male heirs.

3. The Deputy Commissioner referred the Case for disposal No 84 dated 2nd Septr 1884.
to the Sub Division office,
who in his turn directed No 306 dated 15th Septr 1884.
the Amildar to examine
the parties and submit
a report with reference
to the arrangement that
might have been made
for the maintenance of
the petitioner Venkamma
(through Ignatius) out of
her father's property.

4. Accordingly the parties
were examined by the Amil-
dar on the 16th of Nov-
-ember 1884. Petitioner
Ignatiammah stated
that her sister Jesaia-
mmah had been
married to Sahayyah,
that both of these died
leaving

leaving behind a son
and a daughter; that
these her children came
to her care and custody,
but that Veerakadacapillai
the son died subsequently;
that Veerakone was the
daughter was about 8
years of age at the time
of her parents' death, and
lost her husband while
young; that the Can-
dayen lands the
puttas of which stood
in the name of her
deceased father Eshappa
were all transferred
to her name last year;
that the register of the
Shanbagie office of the
three villages — Chittika
moodanadee, Sichimalee
and Singasandra —
which had been duly
registered in her father's
name, but subsequently
usurped by her Cousins
after the demise of her
parents, might be
transferred

transferred to her name and that permission given to appoint her in Gunnate.

On the other hand, Thanbogue Vanasapa stated that the Candayan lands though there revenue patta stood in the name of Vennakannah, were still, in his possession and enjoyment, that he produced an written orders directing him to do the Thanbogeship to succeed his brother Veeraappa (father of Veerakumaran) in the office, but the Utter Boddave Journal Rowdave during his visit to Chittiamoodaram villages in connection with Government duty, gave him verbal orders to look after the Thanbogue office of the villages in question; and that he would

for the
Recovery of movable
property

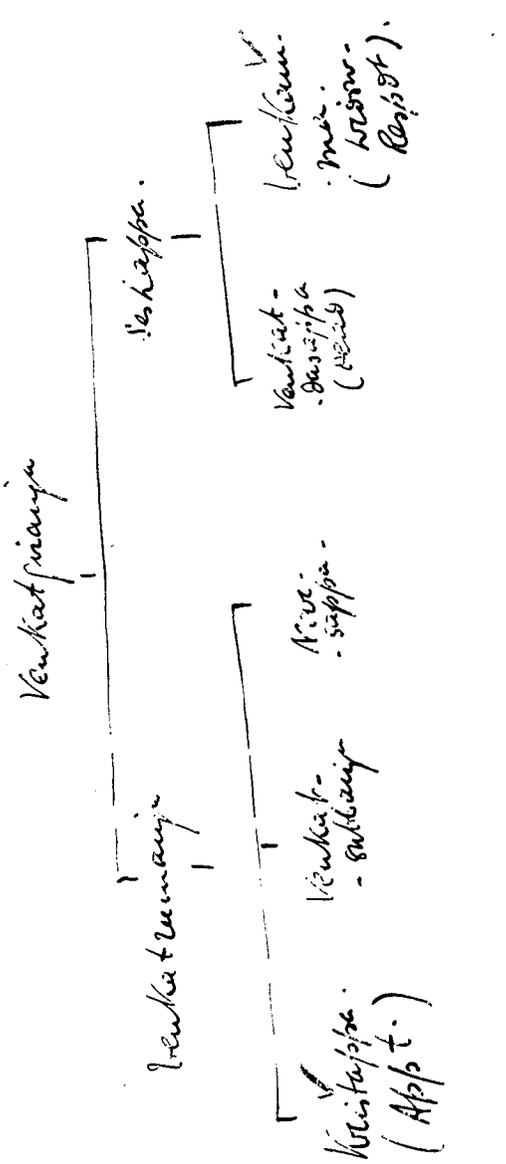
No 82 dated
23rd December 1884

would not give up
the effects in favor of
Venkamma, till the
suits that had been
pending enquiry in the
Munsiff's Court, were
disposed of.

5. In submitting the
proceedings as recorded
above to the Sub-Division
officer for orders, the
Amildar reported that
the Counter-petitioners-
Krishnappa, Venkata-
subbiah and Narasap-
pah, sons of Venkata-
ramiah the brother
(uterine) of the petition-
Venkamma his father Subbappa were
the legal male heirs
to the village in question,
which was succeeded
by the genealogical tree (x)
filed by the particul
Counter-petitioners).

6. The Sub Division officer
observed that one
Krishnamma

(x). Genealogical tree -



No 835 dated 20th
December 1884

Krishnamma widow wife of Dasappa (1) was had been mentioned in the Register as the Pucka-dar to the village of Sirigasandra, and her husband's brother Venkatagiriah to the villages of Chikka-Mudavadee and Kin-chinalicee, and that there was no reference found to show that these villages had been once registered in the names of other individuals. The above Krishnamma and Venkatagiriah died, the latter leaving two sons Venkataramiah and Subbappa who were also no more Venkataramiah's sons — Krishnappa, Venka-tachaliah and Narasappa one also deceased leaving as also Venkamma

(1). The extract of the Sarabaluti Register filed in the Proceedings (of what year it is not clear.) - gives the following particulars -

1. Sirigasandra village -

Beriz — 416-15-0.

Original Hissedar - Krishnamma Widow of ~~Dyavappa~~ Dasappa no issue -

Sharers dependent. (Bala Hissedars) - Venkatapa-maiya & Narasappa sons of Venkatgiriya brother of the said ~~Dyavappa~~ Dasappa

Present in-cumbent - Ramayya Gumasta appointed by Krishnamma has been doing work from the year Fasli (1857-58).

Chikk Mudavadi

Beriz — 555-12-0

Original Hissedar — Venkatgiriya

Minor Sharers (Bala Hissedars) - 1. Subbappa 2 Krishnamma

Post incbt. Subbappa widow of Registered

3. Pichinkere —

Revise - 27.7.9.

As per particulars given for Chikmudavadi

Note - The original register has not been sent up.

Venkammah the only daughter of Seshappa. This Venkammah (petitioner) was a widow and childless. It was given to understand that Seshappa (father of the petitioner) and Venkataramiah (father of the counter-petitioners) were divided civil dispute and that had contention was about to take place between the parties. In such circumstances, the Sub Asst. Officer directed, the two villages Chikkamadavadi and Pichinakere should be registered in the name of Varadappa and the remaining one village Nagasandra in the name of Venkatammah, the latter arrangement being subject to the condition that she

~~shall~~ would have no power to alienate the village given to her and that on her death it will revert to Krishnappa and the two others, or their heirs.

9. On 22nd July 1885, Venkatasubbiah appealed to the Deputy Commr against the orders of the Sub Mgr officer (vide above para), and produced therewith Copy (2) of a deed executed by Venkappah (father of the Petitioner) in favor of Venkataramaiah, relinquishing his right, title and interest in the village of Singarendra in due satisfaction of his half share of the amount incurred by Krishappa ~~Venkatasubbiah and his two brothers~~ in re-

Copy No 31

(2) This is not an authenticated copy the original deed alleges to have been executed on 1st Oct 1871.

Covering

Intimated
(X) In records connected with this case have not been submitted by Dy Com.

recovering the Sangandee village from one Gumasta Ramanna who had usurped it on the death of Mushrunnah to whom it had been given for life enjoyment in room of maintenance ~~here~~.

No 151 dated 23d July 1885

And the Deputy Commr called for submission of the proceedings with a report.

No 311 dated 29th January 1886

S. The Deputy Commr confirmed the order of the Sub Dn officer on the ground that the ~~petitioners~~ Sesha the father of Venkamma possessed no power to thus prejudice the claims of any of his lawful heirs beyond his life time,

Vide English Order passed by Major Macintire in the Ver. Regs.

as

as set forth in
the agreement above
referred to.

9. The Subordinate Officer
conveyed the above
Orders to the Amildar
and called for a
report with reference
to the ready money
and grain to be
annually paid ~~by~~
to Venkammah by
her gumasta Vara-
yappa, which should
be fixed ~~by arbitrators~~ with the aid of a Panchayet.

No 284 dated 9th February 1886.

10. The Amildar reported
that it was quite enough
to Venkammah to have
one village, but that
she was reluctant
to have Varayappa
as her gumasta owing
to some ill feeling bet-
ween them both.

No 364 dated 27th February 1886.

No 302 dated 20th March 1886.

11. On her petition to the deputy Commissioner dated 7th February 1886, orders were passed allowing her (Venkamma) to entertain a Gumasta for her.

Paper No 1

12. By a petition dated 26th March 1886, to the address of the deputy Commr, Muchanappa prayed that the puttas of the lands, that had been, on the death of Venkappa, mutated in the name of Venkamma, might be transferred to his name on the ground that he had been declared by the Civil Courts to be the legal heir of the deceased Venkappah, and produced a copy of judgment.

X a his shambhogi of Sirigasandra in the name of his brother Narsappa.

This petition was referred

referred to the Sub
Insp. officer for opinion
and report after perusal
of the judgment
produced by the party.
The sub Insp. officer for-
warded it to the
Ardclare for enquiry
and report with re-
ference to the judgment
of the original Court.

No 305 dated 29th
March 1886.

No 326 dated 2nd
April 1886.

13. After examining
Ardnurcher, the
Ardclare submitted
a report. In this report
he states that no decision
seems to have been
arrived at in the ~~Petty~~
~~of the~~ Civil Court's Judg-
-ment presented by
Ardnurcher, in regard
to the Shanbogue office,
Lands and their duties.
But with regard
to the Shanboggy, the
Sub Insp. Officers order.

No 46 dated 23d
May 1886.

no

No 835 of the 26th Dec.
1884 (vide para 6, ante)
directs that Chikka
Moodaradi and Ochi-
nakere should be
registered in the name
of Varasappa and
that the remaining
one Village Nigadarane
in the name of Venkam-
mah and this order
has been ratified by
the Deputy Comm.r
(Vide para 8, ante). In
these circumstances,
he submits, there is no
room on the revenue
side to help Krishnappa
He further states that
since the puttah has
been already made
out in the name of
Venkammah in Com-
-promise with the order
on the subject, and no
mention whatever
is

× in Feby 1884
by Mr Webb
for Mr Hood
Col Man

is made of the subject forming his representation in the Copies of the Judgments he presented in his defence of his statement, the transfer of pattah merely in phaal without sp. orders could not be effected. But however, a Recommendation can be made for the transfer of the pattas to that of the petitioner (Krishnappa) in recognition of his hak under the rules governing transfers of pattas to male legal heirs.

14. In submitting the above report to the deputy Commissioner, the Sub Div. Officer

No 44 dated 28th May 1956.

officer accorded it.
And the Deputy Commr.
left it to the choice
of the Subdn officer
whether or not to
transfer the pattah
to the name of the
petitioner Krishnappa
after perusing the
entire proceedings.

15. Thereupon the
Subdn officer observed
that it was inexpedient
to alter the pattah that
had been made in
the name of Venkamma
in the year Vyabhava,
and that the revenue
patta would not mar
the enjoyment of the
possessor, and directed
the Amildar to endorse
the petitioner in terms
of his orders.

16. One Siddhaiyanah
was appointed Gumasta
of Venkamah

No 104 dated 20th July 1886.

* 1823-24

Amildar's report
No 204 dated 20th
October 1887

and orders were given to him to assume charge of the office. Subsequently this Coobannah was supplanted by one Vallabhiramiah

17. In the foregoing circumstances of the case, Krishnappah has preferred the present appeal to Government.

M. Venkatarayudu
7/3/92.

note – After the demise of Cobaspa, the pattas of the lands have been made in the name of Venkamma (Respondent) in accordance with the decree to the English order of the Amildar dated 23rd April 1883.

M.V.

The appellant contends-

(1) On the death of his aunt (Krishnamma) her brothers tried to usurp the Shanbhogi 'kale' of Shiya Sandra. The appellant then contended & got the case decided in his favor.

That he appointed his uncle (Seshappa) to act as Gumasta

That Seshappa executed an agreement relinquishing his right to the 'kale' whereupon he got the Barewara entered in his brother Venkatabbaiya's name, Seshappa being continued to act as

Gumasta.

Sethaffa accordingly continued to do duties from 1871 to 1879; when he died.

The Respt Venkam- ma therefore has no right to this hali.

The fact of this hali having been registered in the name of Appti brother Venkatsubbaiya has not been brought to light.

All his property in Appti's wife (Sethaffa) should go to the Appt in accordance with the Chief Court decision.

Precis

8/3 C.

The records connected with the alleged appointment of Venkatsubbaiya as Kaldar & Sethaffa as Gumasta - have not been received

An authenticated Copy of the Chief Court decision referred to has not been produced.

The Defts - maybe

call for them

Requested to submit
the Prop. Ref. to Cyclic
Asst. Legal Adv. with
a report, and the
Provincial Register
up to date.

Submitted to
the Council for
orders.

2/4/92.

Shanbhogi case

Orders solicited
by Call for
the further notes by
noted at the end
of the previs.

Submitted to
the Council.

VK
2/4/92

Submitted -
Further information
called for has been received
and marked in
the previs contained
(attached).

VK
30/7/92

Paper (continued)

Precis of papers
submitted by the Deputy
Commr Bangalore Dist
with his Cocnel No 314
of 22d June 1892 with
regard to the Shan
-bhogi of Singasandra
in Kankanhalli Hob

On the 27th June
1872 Shanbog Venkan
Rama presented a
petition to the Amildar
of Kankanhalli stating
that the Shanbhogs
of Chicka Mudduvadi
and Singasandra
had fallen to his share
that he had appointed
his younger brother
Seshappa as his gumasht
that as some agreement
had taken place betw
himself and Seshap
-giriyappa alias Seshapp
the Shanbhogi of the
two villages might
accordingly be register
in the name of his
Son Venkata Subbia
and that his younger
brother Seshappa
might be ordered to
continue as gumasht

until the said Venkata-
subbia was able to
look after his Shan-
bhogi independently.
He presented another
petition to the Dy Comr^r
Bangalore to the same
effect. He submd to
the Dy Comr^r the Karar
said to have been
executed by the said Seshagiria
alias Seshappa in his
favor. That Karar
mentions that the
village of Singasandra
had been originally
given to Krishnamma
for her maintenance,
that after her death
her grumastha Ramia
tried to usurp the
Shanbhogi of that
village, that after
much litigation
Krishnappa (heir)
eldest son of Venkata
Ramia above named
succeeded in getting
back the village, that
as Seshappa who had
to contribute Rs 85
towards the cost of
the above litigation

x 1st Oct 1871

was unable to pay the said sum, he relinquished his share in Singasandra village in favor of Venkatarama.

On the 29th July 1872 Shanbog Seshaffa gave a statement before the amildar of Kankanhalli as follows:-

"I agree to the Shan-bhogi of Chicka mudutadi and Singasandra being registered in the name of Venkata subbia my elder brother's son. I agree to look after his duties until he is able to look after them independently and I further agree to the Shanbhogi of Pichanker being registered in my name."

× No. 206 a/10-8-72

The DC Commr. issued an order to the Amildar that the Shanbhogi of Chicka mudutadi and Singasandra shall be registered in the name of Venkata Subbia son of Venkata

Ramia that the
Shanbhogi of Pichan
Kere should be registered
in the name of Seshappa
and that Seshappa
should look after the
Shanbhogi of Chicka
-munivadi and
Singasandra as Gunastha
until Venkata Subbia
was able to look after
it independently.

With reference to
the allegations made
in petn No 15029 25th
Sept 1891 presented by
Shanbog Krishnappa
to this office, the said
petitioner (Krishnappa)
has ~~no~~ given a
statement before
the Amildar of Kan
-kanhalli on the 28th
April 1892.

He states that his
ancestors had given
the Shanbhogi of
Singasandra to
his senior uncle's wife
Krishnamma for her
maintenance, that
her nephew Ramia
had been looking

after the Shanbhogi
as her gumastha
until her death,
that afterwards there
had been disputes
with regard to the
said Shanbhogi that
the matter was finally
settled in Revenue case
No. 39 of 1870-71 on the
file of the late Nandy
-droog Divn Court, that
~~in~~ Seshappa executed
a Kabar relinquishing
his right to the Shan
-bhogi of Singasandra
in favor of Venkata
ramia, & that he (Seshappa) was
afterwards in accord
-ance with order No 206
dated the 10th August
1872 appointed gumastha
to look after the Shan
-bhogi work of Singa
-sandra until Venkata
subbia was able to look
after it independently.

Krishnappa has
further stated before
the amildar of Kan
-kanhalli that
Seshappa continued

to be a pumastha until his death which took place in 1879, that his son ~~Krishnappa~~ died in 1880, that he (Krishnappa) was obliged to pay to Govt some amount that had been due by ~~him~~ Seshappa, ~~and~~ that if Seshappa himself could not have any right to the Shanbhogi of Singasandra much less can his daughter Venkamma have any right to it, and that according to the Chief Court decision in A.S. No. 177 of 1885 he (Krishnappa) is entitled to the property of his uncle Seshappa.

x Venkatramappa

nch

Revenue Appeal
No

Abbalamb - Krishnappa

Appellant

Respondent - Venkamma

Venkatamma and Seshappa ~~were brothers~~ Venkat. ~~Respondent~~ died leaving three sons, viz:-

(1) Krishnappa (Abbalamb)
(2) Venkatasubbiah and
(3) Narasappa Respondent

Venkamma is the daughter of Seshappa. She had a brother, who died in 1830. His name was Venkatadasappa.

The Baralubail Register, 1864 (extract) gives the particulars (noted in the margin x).

The Shanbogue of Suiga-gudda then stood in the name of Krishnamma.

After her death Venkatamma and Seshappa recovered it in 1870.

In 1871 Seshappa executed

x
1 Suigasamudra village
Original Survey No.
Krishnamma, widow of Devappa, no issue.
Share in defendant
Venkatasubbamma.
2. Seshappa,
sons of Venkatasubbamma,
brother of said Devappa.
Present incumbent
Ramaiya, Gumasta appointed by Krishnamma in Faingala (1857-58).
2. Chikka Suigasamudra village -

a Kavar (in favor of his elder brother Venkabramnia) 30 relinquishing his right to the Shanbogui of Sirgasandra in favor of the said Venkatramiah.

In 1872, at the request of Venkabramiah the Shanbogui of Sirgasandra and Chickanandavadi was registered in the name of his son Venkatasubbiah, and Seshappa was appointed his gumasta, the latter having in his deposition given before the Munsiff Amildar on the 27-7-72, consented to the arrangement. Seshappa continued to be a gumasta until his death, which took place in 1879. His son also died in 1880.

+ Venkalādasabba

In 1881 Venkamma Respondent, presented a petition to the Deputy Commissioner, Bangalore, praying that the Shanbogui of the

Nuckoor
Venkatāgiriya
defendant shares

1. Seshappa,
2. Kristnamma,

Present incumbent
Seshappa. †

3. Pichanūre village
as per particulars given
for Chickanandavadi.

three villages mentioned above ought be registered in her name. The Amildar reported that the three sons of the above named Venkatramaiah were the legal male heirs of the villages in question.

The Sub-Division Officer observed that the Registers Santana Krishna- rama Lingadar & Lingayandra and her husband's brother Venkatagiria as Lingadar of the two other villages; that Seshaiah and Venkatramaiah were divided, and that there had been civil disputes between the parties. Under these circumstances, he directed that Lingayandra should be registered in the name of Venkatramma, and the two other villages in the

name of Narasuppa.

In 1885 Venkatasubbia appealed against this order to the Deputy Commissioner, who ~~Head of Commissioner~~ confirmed the order of the Assistant Division Officer on the ground that Seshadri, on his retirement from father of Venkamma, had no power to prejudice the claims of his lawful heirs beyond his life time of their kind, and that which he did not during his lifetime

In 1886, Venkatasubbia's brother Narasimhappa, ~~appellant~~, producing a copy of the Civil Court judgment in A.S. 177/85, requested that the Pattas of the lands that had been, after the death of Seshadri, registered in the name of his daughter Venkamma, might be transferred to his (Narasimhappa's) name, and the Shanbogue of Anjanapura to that of his brother Narasappa, on the ground that the Civil Court had held that he was entitled to——

Seshappa's property.

The Sub-Division officer ~~refused~~ declined to order the transfer prayed for. The Petitioner appealed to the Deputy Commissioner who also declined to interfere in the matter. The date of the last Endorsement is 2-~~May~~ 91. ~~The Petitioner appealed against the order~~ against the order mentioned. The appellant contends:—

(1) That on the death of Kristnamma, the appellant after much litigation succeeded in getting back the Shanbogui lands,

(2) That Seshappa executed a Kabar relinquishing his right to the Shanbogui of Singasandra in favor of Venkatramaiah,

(3) That the Shanbogui of Singasandra was registered in the name of Venkatasubbaiah, son of Venkataramaiya,

and Seshappa was appointed gumasta.

(4) That Seshappa continued to do duties as gumasta till 1879.

(5) That Venkamma (Respondent) has no right to the suit.

(6) That in accordance with the Chief Court decision, all the property of appellants uncle Seshappa should go to the appellants.

The chief points for decision are

(1) Whether the Shanbogui of Singasandra was registered in the name of Venkata-subbiah (Appellants father) in 1872, Seshappa being appointed gumasta.

2. Whether the Respondent Venkamma is hable to the Shanbogui

The records of 1872

shew that in 1872 Lenkalè
Debbichè was abbreviated
Mamboegoe in 1872 and
Debabba his grandson.

The Chief Court decision
referred to has reference
to some movable property
claimed by the Appellant
and his brother. It is
mentioned therein correctly
that "there was no dispute
in regard to the immovables
the Plaintiff's father and
Debabba divided or un-
divided, but the Plaintiffs
were entitled to inherit
Lenkalèdè Saffè's property
& brother Debabba was di-
vided or not formally his
Brothers."

Respondent of petition
to ~~have~~ the Judicial
Assessor dated 30th
March 1892 Para 3
Should read thus
Original petition was
read upon that
date, and was there
very ambiguously

× Appellant
& his brother.

on the record
there is no
statement
whatever
has been
upon either side
that
Debabba
died in the
1879. It is
admitted that
Respondent

30/7/92

Hearing 1st Dec 1892
Give notice to Cole
parties.
18/10/92
Adjourned to 19th Jan.
1893. P.C. Mark
15/12/92

The order of the Sub Divisional Officer, recognizing the woman as heir, was perhaps right, considering that there was then a dispute between the parties pending in a civil court. The order does not state that the woman had a right to the office.

The woman's father had no right to the office.

If he had a right at all, it was inherited by his son, & the woman before us must claim as sister of the deceased landholder. Her right as sister ought not to prevail over that of the appellant. The appellant being destitute of issue there can be no contribution between him & this woman.

The rights of the parties

There is no regular Court Decree appealed to a proper adjudication on all these points & the appointment was given by Court to show that the office has no right to be given during her lifetime

31/1/93

2,4

being ascertained, I think
we ought not to give effect to
the sub division of fifths order, such
I suppose is unintelligible to me.

When we find that
the woman has no right I presume
there is nothing to prevent the Court
from putting the real husband in to possn.

C Cavendish Bentinck

2

Before the Government of *His Highness* the Maharaja of Mysore.

(11)

Appeal No. 129 of 1891

Appellant.	Vs.	Respondent.
Kiru Lanappa residing at Close pet Bangalore District.		Venkatamma —

Decision.

Respondent and brothers Venkatanarasiah and Sebhappa. The former had three sons, viz

(1) Kiru Lanappa (appellant)
(2) Venkatachiah and
(3) Narasappa

Respondent Venkatamma is the daughter of Sebhappa, who had a brother named Venkatadasappa who died in 1880. The Bangalore Register of Births furnishes particulars (Ex. 2) in the margin.

The Shanbogue of Bangarapet Mr. Stod in the Name of — Kiru Lanappa —

Y. 1. Enforcement Receipt
Original Register
Kiru Lanappa Name of
Narasappa. No issue.

Share Respondents —
1. Venkatanarasimiah
2. Sebhappa
Sons of Venkatadasappa

After his death Venkatarammiah and Lakshappa succeeded to it in 1870.

In 1870-71 Lakshappa executed a Karar (in favour of his elder brother (Venkatarammiah) relinquishing his rights to the Shanbhogue of Singarayanapalli in favour of the said Venkatarammiah.

Power of said Lakshappa

Present incumbent Family pursuits appointed by Venkatarama in (1857-58).

2. Venkatarammiah

Hatchdar

Village Officers

1. Lakshappa

2. Venkatarama.

Present members

Lakshappa

3. Pedda Venkatappa village

Other particulars given by the Venkatarammiah

In 1872, at the request of Venkatarammiah the Shanbhogue of Singarayanapalli and Chikka Munivadi was registered in the name of his son Venkatarayappa, and Lakshappa as the appointed his pursuits, the latter having in his deposition given before the Kandukur Amildar on the 29th July 1872 Consented to the arrangements by (Lakshappa) continued the pursuits until his death.

Where

which took place in 1879 - 1880
in Venkatarama Reddy also
died in 1880.

In 1882 Venkatarama Reddy
presented a petition to the Dy.
Commissioner, Bangalore
praying that the Shanbhogue
of the three villages mentioned
above might be registered
in his name. The Amildar
reported that the three sons of
the above named Venkata-
ramiah were the legal male
heirs entitled to the villages
in question.

The said Dy. Commr
observed that ~~the evidence~~ the Respondent ~~admitted~~ showed that
~~Venkatarama was~~ he was
an illegitimate son of his
brother Venkatarayappa
by a Pariah woman
and that ~~the~~ other heirs,
~~were~~ disputed
much, ~~were~~ divided
~~from~~ there is a decree
~~disputed~~ between the parties.

That the
Dy. Commr. that
the dispute was
between the
Sons of Venkataramiah & the Complainant
Son of Venkatarayappa.

~~The~~ property had belonged
to Venkatacharlu and
Ramanna and was
registered in the name
of Ramanna during his life
time and after his
death in the name of
Narasappa (son of Venkatramiah).

was litigation between both parties. Considering these facts &c (see Dec 1882)

× 26 Dec 84

~~Subbu~~ Venkatacharlu (also son of Venkatramiah)
appealed against this order
& the Commissioner, who
confirmed the order of
the Asst Commissioner,
on the ground that Narasappa
could not by his act deprive
his lawful heirs of their
rights and that a mere
deed was only binding on
him during his lifetime

+ 29 Jan 86
(W. 227 of 86
Bangr Misc file)

Civil
Then there was a suit
by Venkatramiah
son of Venkatramiah
against Venkatramma,
regarding a
Garden, the whole
of which
a Rajinamah
was executed by
Venkatramma. In
this Rajinamah
(which was ~~on~~ 14 Dec 86
and in accordance
with which a
decree of Court was
passed) Venkatramma
acknowledged receiving
from the Plffs certain
lands for her main-
tenance & Surrendered
to them the Garden in
dispute, and further
agreed & stated that she
had no
objection what-
ever to the Plffs taking
the profits of her
share of the Garden
for their
& her benefit

In 1886 ~~Venkatacharlu~~ (Dec 24 1886)
One of the three brothers (who were Plffs in Civil Suit 227 of 86)
~~Narasappa~~ Venkatramma, Narasappa predeceased
the above Rajinamah
and on the death of Narasappa
~~Venkatacharlu~~ Venkatramma
~~applied~~ applied that the Shanbogueship of
~~Venkatramma~~ Singa Samudra
after the death of Narasappa
~~registered~~ registered in the name of
~~Venkatramma~~ Venkatramma, Brother
~~Venkatramma~~ Venkatramma (~~Venkatramma~~
~~Venkatramma~~ be registered in his name
~~Venkatramma~~ ~~Venkatramma~~ ~~Venkatramma~~
~~Venkatramma~~ and the transfer
and not in that of Venkatramma as ordered in Dec 84,

of Seenappa [illegible] to Ramappa of his brother Narsappa on the ground that the Chief Court had held ~~that~~ the latter was entitled to Seenappa's ~~property~~. Upon this appeal (Sirdar Syed [illegible])

~~The Sub.~~ Division Officer refused to ~~make~~ the transfer ~~[illegible]~~. Krishnappa then appealed to the D.C. ~~who also~~ This appeal was declined to interfere in the matter. The date of the last endorsement is 2 May '89.

Krishnappa has preferred the present appeal against the last order of the Dy. Commissioner on the ~~following~~ grounds:—

(1) That on the death of Krishnappa the appellant after much litigation succeeded in getting back the Shanbogue Inam.

(2) That Seenappa executed a 'Karar' relinquishing his rights to the shanbogue.

Of—

that his [illegible] actually [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] under the order Dec '89

interfere with his ~~[illegible]~~ [illegible] order of 26 Dec '85 [illegible] by the D.C. (20 Jan '86) —

disposed of by the [illegible] Sirdar Syed [illegible] (Asst. Dy. Commr.) declining to interfere in the matter

of Injunction in favour of Venkatramiah. (1)

(3) That the Plaintiff of Injunction was registered in the name of Venkata Subbiah, son of Venkatramiah, and Seshappa was appointed Gumasta.

(4) That Seshappa continued to do duties as Gumasta till 1879.

(5) That Venkamma (Respondent) has no right to the land.

(6) That in accordance with the Civil Court decision all the property of appellant's uncle Seshappa should go to the appellant.

The decision of the Civil Court refused to pass reference to some moveable property claimed by the Appellant and his brothers. The question of rights & the possession & enjoyments of the Plaintiff

Hence of consequence

2 vols

True -

but the Sub-Court's order of 1885 is ~~under appeal~~ in Civil Suit 65 of 1891 under appeal to us - The Case is simple - Shankaplan was guaranteed for

not in issue here, nor has there any adjudication on the points in favour of Appellant or his Father

Whatever might have been the rights of the parties prior to the death of Venkatappa which took place in 1874 it is admitted that since 1885 Respondent Venkatamma has been in possession of the office, the duties there of being performed by her grandson for and on her account. The order of the Deputy Commr. refusing to recognize the right of Appellant was passed in 1885 and in the absence of a regular suit to set aside that order and to recover possession of the office from Respondent no summary order could be passed by Court in favour of Appellant. The present application

"Dismissed"

Reasons

Chief Secy.

Venkatsubbiah - on death of Guruvatha the Huk rel went to Huk Subbiah as his heirs - Lord ~~Macnaghten~~ Watson held that ~~Subbiah~~ the Suit for ~~Huk~~ Upset order in 1885 ~~Huk~~ be Cancelled & the Huk restored to Venkatramaiah & Sons -

4/12/93

Dismissed -

Venkamma is a party to this appeal & had notice of the hearing - She further appeared at the hearing and was heard, The Commissioner (Mr. [illegible]) at whose The above fact may be brought to the notice of the Divan & the Dewan's final orders obtained -

PKR

Copy to Dy. Commr. Bangalore returning the records

From the facts above narrated, it is abundantly clear that the Respt. Venkamma has no right whatever to the Shambaghatta of Suja Samudra. The Sub Dn. Officer has above Rahimans order of 26 Dec 84 in her favor proceeded more from motives of humanity to provide some means of maintenance for a ~~her~~ than from any ~~Consideration~~ of the rights involved. ~~No Hook~~ There is no doubt whatever that the Huck belonged to Venkatramiah's sons, ~~and not Venkata Subbiah exclusively~~ exclusively, since 1872 under the arrangement ~~by~~ made by Respondents father Seshappa. Seshappa admitted was only a Gumasta of Venkatramiah (one of the sons of Venkatramiah) since 1872 — This Gumastas daughter the Respt- Can have no manner

This is the first time that Injunction is in the case — In this Court Execution for eviction that the right is entitled Second on this Summary proceedings without having a Regular suit to establish the right, the Injunction will be dissolved with Costs.

A.N.

31/1/93

Submitted to the Chief Secretary

N
1/2/93

of right to the Huck and the Lt Dr Gs' order of 26 Dec. /84 was altogether wrong; and the Dy J's Court's reason for upholding it, namely that Deshaphon had no right to transfer the huck to his brother or brothers' in under a family arrangement, cannot be Considered Valid —

Moreover when the Requisition of 14 Dec 86 was produced, the matter Shd have been reconsidered and no steps taken to not the Hucksters Guaranty was no way

the Officiator – This Act Signed
Nasrudin Some have failed
to do both as Sect. 4th of the
2 Will Deny Comm.

Under Such circ[s] the
Govt. Cannot the Sub
Div Officer order [illegible]
to order 84 and
direct that either
Venkat Subbiah or
any other Sons of Venk
atasamiah (as
may be agreed upon between
themselves) be registered as

Appeal is within time.

Petition sufficiently stamped.

Copy of the order appealed against is produced.

Case Roll of Legal Practitioner submitted to the Board.

4th Nov 1891 [illegible]

L.R. 117-91-1

Call for Papers

[illegible]
14/12/91

(General Serial No. 32.)

189 (2.

No. 502 of 1905

Name of Petitioner. Vriddhagiri Shanbagam

Village. Shingavarambattu

Taluk. Kanchipuram

District. Chingleput

Date of Arzi. — 1891

Date of Receipt. 25th Nov 1891

Date of Disposal.

No. of Enclosures. Three.

ABSTRACT.

The Shanbagam of Shingavaram
village was given to Govindam
Chetti on the understanding that
he should maintain the temple
for her maintenance, and on her
petitioning to be appointed
by the authorities. The petitioner
states the village did not belong
to Govindam Chetti but to
and that the said Shanbagam
had executed an agreement,
renouncing his right to the same
and he should not be appointed
Shanbagam and prays that
by G.O. No. 515, dated
and Revenue Board's Proceedings
by Petn. Some question as to
Chetti's right to the
the village in question

No. 179 K

(3)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

endutsered 2-11-91

OFFICIAL MEMORANDUM.

The accompanying Petition No. 6224/905
dated 25/10/91 received at the
Dewan's Office from Kadanapalli
Shanbhaga Shivaji
Kasaraguppe village,
Kankanadi taluk;

L.R. 117-91-2

are
forwarded, together with its three
enclosures, to the Dy. Commr.,
Kanara for favourable
consideration & Report and
a perusal thereof.

By Order,

for Chief Secretary.

BANGALORE,
14/12/ 1891.

Noted

(General Serial No. 30.)

OFFICE OF THE DEWAN P. & S. JAN. 9

1892 9674

From The Dy Commissioner
Bangalore District

To The Chief Secretary
to the Govern of Mysore

Dated 9th January 1892

Despatched

Received

Enclosures No. 1 file

General No.

No. 833.

His Official Memo
No 1/79 dated 4th Instt
forwarding for Submission
Proceedings and a
Precis thereof, Settlement
of Ennehadya, Siddapura
Hobli of Srinivasapura
and other villages —
Kanakanahally Taluk.

— " —

In continuation
of this Office letter No.
715 dated 4th December
last, has the honor

Subdr Pac
Proceedings
Above pr
Perm by Mr
30th Instt
L.R. 117-91-3
N 23/1/92

Precis Submitted
A.V
7/3/92

AS
12-1-92

to return the enclosures
received with the above
Memo, and to submit,
herewith, the Proceedings
connected with the
dispute of the Shanbogue
Office of Shivigasandra
and other villages re-
-ferred to by the Petitioner.

M Mannu Rao

Dy Commissioner

(General Serial No. 30.)

1892.

L.R. 117-91-4

From The Chief Secretary to the Govt of Bombay.

To The Dy. Commissioner Bangalore Distt.

Dated

Despatched 6. April 92.

Received

Enclosures No.

General No. 138 R.

Dist. B.

Yr. No. 314 of 22/6/92

Yr. Transl.

Sir

I am directed to transmit, for submitting Proceedings connected with the petition of Krishnappa, [illegible] the Khanbiga of Shingarandya, Tiptur Taluk.

With reference to the above he the honr to invite the Dy. Commissioner's attention to paras 2, 3, and 6 of the Appeal Petition, herewith sent for reference and report submission; and to request that he will report with the record enclosed how far the allegations made by the Appellant are true.

2 The plaintiff should be required to produce an authenticated copy of the Civil Court decision referred to

to in favor of the petition.

3. The Board will Register upon date concerning the Changes in question should be sent up.

By Order"

Mrs 4/4

Re-draft.

Public Secretary

4/4/92

Petn. for Hrg. 24/6/92

K. Shastri & Con-
-firme prcis
& Draft Memo
M 14/7/92

I.R 117-91-5

Memorandum to
the Council with
Memo.
M
30/7/92

(General Serial No. 305)

OFFICE OF THE
3578
24 JUN. 92
P. 31
DEWAN OF MYSORE

189

From The Dy Commissioner
Bangalore District

To The Chief Secretary
to the Dewan of Mysore

Dated 22d
Despatched } June 1892
Received

Enclosures No. 1 & 2 files
of Papers

General No.
D No. 314

His docket No 138/P6 dated
6th April last, requesting
report with the records
in connection with the
allegations of the petitioner,
Krishnappa Shanbhogue
of Lingasandra.

With reference to the
above, has the honor
to forward herewith,
a memo furnishing the
information called for
in the above. The enclosure
is herewith returned.

131
27-6-92

2

2. Amildar urges Nos[X], as per marginal containing the records in support of the petitioners' allegations submitted for information and obliging return.

3. Copy of Barabulati Register received from the Amildar is also enclosed for reference.

Maing-Meason
for Dy Commissioner

Mms

[X] No 46 dated 30th April/92
No 305 dated 2nd August/92

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 129 of 1891

Appellant.	Vs.	Respondent.
Krishnappa residing at Chaapatti, Bangalore District		Venkamma

L.R. 117-91-6

Decision 21-7-92

There were two brothers Venkataramiah and Seshappa. The former had three sons, viz

(1) Krishnappa, (Appellant)
(2) Venkatenkiah and
(3) Narasappa.

Respondent Venkamma is the daughter of Seshappa, she had a brother named Venkatadasappa who died in 1880. [2. The Baraballi Register of 1864 gives the particulars noted in the margin.*

* 1 Singasamudra village
Original holders
Krishnamma, widow of Narasappa, no issue.
Nearers dependent
Venkatramiah
2 Sheshappa, sons of Venkatajiriah, brother of said Narasappa.
Present incumbents Ramiah, grandson adopted by Krishnamma in Paingala (1857-58).

3. The Shanbogai of Singasamudra stands in the name of Krishnamma. After her death

2.

Venkataramiah and Seshappa recovered it in 1870. In 1871 Seshappa executed a Karar in favour of his elder brother Venkataramiah relinquishing his right to the Mankagni of Singasandra in favour of the said Venkataramiah.

4 In 1872, at the request of Venkataramiah, the Mankagni of Singasandra and Chikkanamadi were registered in the name of his son Venkatanarayanappa, and Seshappa was appointed his guardian, the latter having in his deposition given before the Kandaghatti Amildar on the 25th July 1872 consented to the arrangement, he (Seshappa) continued to be a guardian until his death which took place in 1879. His son Venkatadasappa also died in 1880.

5 In 1884, Venkamma, Respondent presented a petition to the Deputy Commissioner, Bangalore, praying that the Mankagni of the three villages mentioned above might be registered in her name. The Amildar reported that the three sons of the above named

2. Chikkanamadi village
Huddar
Venkataramiah

dependent claimers
1 Seshappa
2 Krishnamma

Present incumbent
Seshappa
Richambere village
as per particulars
given for Chikkanamadi
village

Venkatramaniah were the legal male heirs entitled to the villages in question

6 The Sub-Division Officer observed that the Register showed that "Old Muddan Dasappa's widow Kristnamma was husband of Singasandra and her husband's brother Venkatajiah was husband of Chickmunimadi and Pichanhire villages", that Venkatramiah and Lakshappa were divided brothers, that they were both dead, that the dispute was between the sons of Venkatramiah and the daughter of Lakshappa, and that there was litigation between both parties. Considering these facts, the Sub-Division Officer) directed* that Singasandra should be registered in the name of Muchakappa's widow & daughter Venkamma during her life and the two Pillagers in the name of Narasappa (son of Venkatramiah).

7 Venkatanarasimhaiah (also son of Venkatramaniah) appealed against this order to the Deputy Commissioner who

* 26th Oct 1954

who confirmed the order of the Sub-Divisional Officer on the ground that Seshayya could not by his act depriving his comfort heirs of their luck and that what he did was only binding on him during his life time

8 Then there was a Civil Suit (No. 22 of 1936) Rajamma instituted for by Venkataminka against Venkamma regarding a garden, in which a Rajinamah was presented by Venkamma. In this Rajinamah (which was dated 14th Dec. 36 and in accordance with which a decree of Court was passed) Venkamma acknowledged receiving from the Plaintiffs certain lands for her maintenance, and surrendered to them the garden in dispute and further expressly stated that she had no objection whatever to the Plaintiffs taking the property of her father and her brother,

9 On 24th October 1937 one of the three brothers, (who were Plaintiffs in Civil Suit 22 of 1936) viz Kotilingayya predeceased

* 29th January 1936

a copy of the above Razinamah
applied that the Chandragiriya
of Saingasamudra might be
registered in his name,
and not in that of Venkanna,
as ordered in December 1837,
& that his ground actually
doing duty might not be
disturbed in favor of a
ground to be newly
appointed by Venkanna
under the order of December 1837
Upon this application, the
Sub-Division Officer (Mr. Syed
Nasiruddin) refused ×
interfere with the predecessor
order dated 26th December 1838
confirmed by the Deputy
Commissioner (29th January 1839)
Krishnappa then appealed
to the Deputy Commr. this
appeal was disposed of 7th
January 1891, by Mr. Syed
Nasiruddin (Asst Deputy
Commissioner) by declining
to interfere in the matter.
Krishnappa has preferred the
present appeal against the
last order of the Deputy

Commr's

× 7th Septr 1890

10. From the facts above narrated, it is abundantly clear that the Respondent Venkatramma has no right whatever to the Shanbhogaship of Singanamadra. His Sub-Division Officer Mr Abdul Rahiman's order of 26th December 1874 in her favour proceeded more from motives of humanity to provide some means of maintenance for a widow lady from any consideration of the rights involved. There is no doubt whatever that the Stock belonged to Venkatramiah's sons exclusively, since 1872, under the arrangement made by Respondent's father Seshappa. Narchappa admittedly was only a grandson of Venkatachalpa (one of the sons of Venkatramiah) since 1872. His grandson's daughter, the Respondent can have no manner of right to the Stock, and the Sub-Div. Officer's order of 26th December fell into altogether wrong; the Respondent

Deputy Commissioner's reason for upholding right, namely that the chakdar had no right to transfer the land to his brother or brothers son under a family arrangement cannot be considered valid.

11 Moreover, when the Razinamah of 13th December 1956 was produced, the matter should have been reconsidered and no steps taken to evict the transferee who was the officiating Mir Syed Nasiruddin somehow failed to do both as Sub Div. Officer and off. Deputy Commissioner.

12 Under such circumstances, Government cancel the Sub Division Officer's order of December 1956 and direct that either land attachable or any of the other sons of Venkataramaiah (as may be agreed upon between themselves) be registered as chakdar of Srinivasamudra.

By order,

Chief Secretary

Copy

Nr 2407 dd 26/7/93.
20-93
Copy to the Resident Secretary
Bangalore Dist. returning
the Nom. Proceedings received with his
No 833/314 dd 9-1-93 & 22-6-93
respectively.

/

No. 1502.

Endorsed 8/8/93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

2/8/1893.

Endorsement granted to Secretary to Govt

L.R. 117-91-7

in reply to his ~~letter~~ Petition Registered No. 502 of ~~dated~~ praying for the order of the Hon'ble Commr Bangalore District relating to enquiry in the matter of the claim of the Sanadhi of Sirsi and.

Petitioner is ~~informed that~~ referred to the Hon'ble Commr Bangalore District for information

Copy of the Petition

Copy of this letter

Extract from the Proceedings of Govt

(as may be deemed necessary)

to be sent

to Secretary to Govt

Draft

"By Order"

Chief Secretary.

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.